

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING,
and FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC and
JAMES FRANCE,

Defendants.

Civil Action No. 3:24-cv-886-FDW-SCR

**DECLARATION OF JOE CUSTER IN FURTHER SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

I, Joe Custer, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an adult citizen and resident of Iredell County, North Carolina.
2. I am the President of Stewart-Haas Racing, LLC, a North Carolina limited liability company.
3. After 16 seasons of competition in the NASCAR Cup Series, Gene Haas and Tony Stewart will part ways and Stewart-Haas Racing, LLC will wind down operations and cease doing business by December 31, 2024.
4. Stewart-Haas Racing, LLC has sold one NASCAR Charter Agreement and has executory contracts to sell two more NASCAR Charter Agreements and related assets (collectively, the “**Sales Transactions**”) to Front Row Motorsports, Inc., a Tennessee corporation, and 2311 Racing, LLC, a North Carolina limited liability company, or their affiliated assignees (collectively, the “**Buyers**”).
5. NASCAR officials conveyed to me on more than one occasion that once the Buyers submitted their Transfer Approval Forms and signed their respective Joinder Agreements, NASCAR would promptly provide the necessary approvals to transfer the Charter Agreements to the Buyers.
6. In anticipation of consummating the Sales Transactions in the first two weeks of December Stewart-Haas Racing, LLC has taken many material and irrevocable actions to wind down its operations and cease doing business by December 31, 2024, including, but not limited to:
 - a. Releasing two professional race car drivers;
 - b. Terminating over two hundred employees and facilitated their reemployment with competitors;
 - c. Foregoing renewing contracts to acquire use of necessary engines;
 - d. Returning, selling or cancelling orders for necessary equipment;

- e. Selling two airplanes and dissolving an aviation program;
- f. Terminating sponsorship contracts; and
- g. Issuing multiple public statements.

7. If the Sales Transactions are not consummated in 2024, Stewart-Haas Racing, LLC will suffer irreparable harm because Stewart-Haas Racing, LLC does not have the personnel or resources to operate pursuant to the Charters intended to be sold to the Buyers and, with each passing day without consummating the Sales Transactions, the value of those Charters and the likelihood of finding replacement buyers materially diminishes.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10 of December 2024 in Kannapolis, North Carolina.

By: 

Joe Custer, as President of Stewart-Haas Racing, LLC